

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1 - 16 and 18 - 30 are pending in this application. Claim 17 has been canceled without prejudice. Claims 1, 22, 23 and 28 are amended. Support for the amendments may be found at, for example, original claims 1 and 17 and Figure 4. Applicant respectfully submits that no new matter has been added by the amendments.

Applicant also respectfully notes the present Office Action indicates that the drawings have been accepted by the Examiner. Office Action, Summary at 10.

Rejections under 35 U.S.C. § 102

Claim 22 is patentable under 35 U.S.C. § 102(a) over Mackay (U.S. Publication 2003/0075597).

Claim 22 is patentable under 35 U.S.C. § 102(a) over Mackay. Withdrawal of the rejection and allowance of the claim are respectfully requested.

Independent method claim 22 has been amended to recite "providing a first wearable data storage device comprising: a data storage unit; a non-clasping data transmitter; a non-clasping data receiver; a male clasping data connector; a female clasping data connector; a band having a first end and a second end; wherein the first end of the band comprises the male clasping data connector and the second end of the band comprises the female clasping data connector; and wherein the male clasping data connector and the female clasping data connector form a clasping mechanism". Applicant respectfully submits that no new matter has been added by the amendments.

As indicated in the Office Action at pages 2 - 3, Mackay does not teach every element of the amended independent claim. For example, Mackay does not disclose providing a wearable storage device wherein the first end of the band comprises the male clasping data connector and the second end of the band comprises the female clasping data connector.

Therefore, lacking at least this element, Mackay cannot anticipate claim 22. Furthermore, none of the cited references or combinations thereof discloses every element of the amended independent claims. Please see the remarks below regarding independent claim 1.

Applicant, therefore, respectfully requests that the rejection to claim 22 under 35 U.S.C. § 102(a) be withdrawn.

Claim 23 is patentable under 35 U.S.C. § 102(b) over Fang (U.S. Patent 6,536,941).

Claim 23 is patentable under 35 U.S.C. § 102(b) over Fang. Withdrawal of the rejection and allowance of the claim are respectfully requested.

Independent method claim 23 has been amended to recite "providing a first wearable data storage device comprising: a data storage unit; a non-clasping data transmitter; a non-clasping data receiver; a male clasping data connector; a female clasping data connector; a band having a first end and a second end; wherein the first end of the band comprises the male clasping data connector and the second end of the band comprises the female clasping data connector; and wherein the male clasping data connector and the female clasping data connector form a clasping mechanism". Applicant respectfully submits that no new matter has been added by the amendments.

Fang does not teach every element of the amended independent claim. For example, Fang does not disclose providing a wearable storage device wherein the first end of the band comprises the male clasping data connector and the second end of the band comprises the female clasping data connector. Fang also does not disclose a non-clasping data transmitter, a non-clasping data receiver or a female clasping data connector.

Therefore, lacking at least this element, Fang cannot anticipate claim 23. Furthermore, none of the cited references or combinations thereof discloses every element of the amended independent claims. Please see the remarks below regarding independent claim 1.

Applicant, therefore, respectfully requests that the rejection to claim 23 under 35 U.S.C. § 102(a) be withdrawn.

Rejections under 35 U.S.C. § 103(a)

Claims 1 - 4, 9 - 13, 18 - 19, 21 and 28 - 30 are rejected under 35 U.S.C. § 103(a) over Mackay (U.S. Publication 2003/0075597) in view of Fang (U.S. Patent 6,536,941) and further in view of Hofrichter (U.S. Publication 2003/0028903).

Claims 1 - 4, 9 - 13, 18 - 19, 21 and 28 - 30 are rejected under 35 U.S.C. § 103(a) over Mackay in view of Fang and further in view of Hofrichter. Applicant respectfully traverses this rejection for the reasons detailed below.

Kindly note that dependent claim 17 has been canceled without prejudice. The subject matter of claim 17 has been incorporated into independent claim 1. Applicant respectfully submits that no new matter has been added by the amendments.

The Office Action at page 3 suggests Mackay discloses a male clasp data connector and a female clasp data connector as required in independent claim 1. Applicant respectfully disagrees. Independent claim 1 requires two distinct sets of data transfer devices: non-clasp and clasp.

Mackay discloses two potential communication means 14, 16. Mackay at Abstract and Figure 1. Mackay discloses a first communication means that is conductive strips 14 that "are used together to read data into, or to write data from, memory within the bracelet 10." Mackay at paragraph 0048. The other type of communication means is a coupler 16 to provide data exchange. Mackay at paragraph 0074.

Neither the conductive strips 14 nor the coupler 16 combine to form a clasp mechanism as required by the claims. The conductive strips 14 do not have any provisions for coupling with each other or the coupler 16. The coupler 16 couples to a corresponding coupler 16 on another bracelet, but does not couple to any other device on the bracelet itself.

The only elements that could be read as clasp mechanisms in Mackay would be pads 18 of hook-and-eye material. Mackay at paragraph 0050. The pads 18 could be replaced by buckles, a clasp or an expanding (sprung) bracelet. Mackay at paragraph 0114. The pads 18, however, are not data connectors. The Office Action at page 8 states that the pads 18 of Mackay

are "a clasp mechanism which can neither transmit nor receive data (see [0114])." Therefore, the pads 18 are not male or female data connectors.

Therefore, neither the conductive strips 14 nor the coupler 16 nor the pads 18 are male clasp data connectors or female clasp data connectors.

Furthermore, neither Fang nor Hofrichter discloses male and female data connectors form a clasp mechanism as required by independent claim 1.

As indicated on page 4 of the Office Action, Fang discloses a male data connector at element 33, but does not disclose a female data connector. Applicant respectfully disagrees that location of data connectors are "simply design choices". Office Action at page 4. For example, placing a female data connector on the second end of the band in Fang would interfere and preclude successful operation of the buckle 320. Location of data connectors are not simply design choices if the location hinders operation of a device. Incorporating a female data connector on the second end of the band would hinder operation of the buckle 320 of Fang.

The Office Action at page 4 cites Hofrichter as disclosing "the second end of the band comprises the female clasp data connector (see figure 2 and [0020] - note that location of the data connectors are simply choices of design)." Applicant respectfully disagrees that Hofrichter discloses the *second end of the band* comprises the female clasp data connector. Hofrichter does not disclose a band or a wearable data storage device. Hofrichter discloses a system and method for storing and processing data for display on a display device. Hofrichter at Abstract. Nowhere does Hofrichter disclose a band. Furthermore, nowhere does Hofrichter disclose that the input or output mechanisms form a clasp mechanism. Hofrichter does disclose a data storage device with an input port and an output port, but the input port or output port are not on ends of a band and do not combine to form a clasp mechanism. The input port and output port of Hofrichter do not combine to form a clasp to hold a band on a user.

The references, even if they could be combined, do not disclose every element of the claimed invention. It would not have been obvious to one of ordinary skill in the art at the time of the invention to combine Hofrichter with Fang and with Mackay. Therefore, independent claim 1 is patentable over Mackay in view of Fang and further in view of Hofrichter.

Independent claim 28 has been amended to recite "wherein the male clasp data connector forms a clasp mechanism when coupled to a female clasp data connector on a

second wearable data storage device or the female clasp data connector forms a clasp mechanism when coupled to a male clasp data connector on the second wearable data storage device". Applicant respectfully submits that no new matter has been added by the amendments.

Independent claim 28 is patentable over Mackay in view of Fang and further in view of Hofrichter as described above for independent claim 1. For example, Mackay does not disclose a male clasp data connector and a female clasp data connector. Additionally, neither Fang nor Hofrichter discloses male and female data connectors form a clasp mechanism. Fang discloses a male data connector at an end of the band. Placing a male data connector proximal to a first end of the band could also interfere with successful operation of the buckle 320 of Fang either by preventing the band from moving through the buckle 320 or interfering positioning of the band after passing through the buckle 320. Nowhere does Hofrichter disclose that the input or output mechanisms form a clasp mechanism. The references, even if they could be combined, do not disclose every element of the claimed invention. It would not have been obvious to one of ordinary skill in the art at the time of the invention to combine Hofrichter with Fang and with Mackay. Therefore, independent claim 28 is patentable over Mackay in view of Fang and further in view of Hofrichter.

Dependent claims 2 - 4, 9 - 13, 18 - 19 and 21 depend from independent claim 1 and add further patentable features of independent claim 1. Dependent claims 29 - 30 depend from independent claim 28 and add further patentable features to the patentable features of independent claim 28.

Applicant, therefore, respectfully requests that the rejection to claims 1 - 4, 9 - 13, 18 - 19, 21 and 28 - 30 under 35 U.S.C. § 103(a) be withdrawn.

Claims 5 - 8, 14 - 16 and 20 are patentable under 35 U.S.C. § 103(a) over Mackay (U.S. Publication 2003/0075597) in view of Fang (U.S. Patent 6,536,941) and further in view of Hofrichter (U.S. Publication 2003/0028903) and further in view of Nrayanaswami (U.S. Patent 6,556,222).

Claims 5 - 8, 14 - 16 and 20 are patentable under 35 U.S.C. § 103(a) over Mackay in view of Fang and further in view of Hofrichter and further in view of Nrayanaswami.

Independent claim 1 is patentable over Mackay in view of Fang and further in view of Hofrichter as described above. Dependent claims 5 - 8, 14 - 16 and 20 add further patentable features to the patentable features of independent claim 1.

Applicant, therefore, respectfully requests that the rejection to claims 5 - 8, 14 - 16 and 20 under 35 U.S.C. § 103(a) be withdrawn.

Claim 24 is patentable under 35 U.S.C. § 103(a) over Fang (U.S. Patent 6,536,941) in view of Hofrichter (U.S. Publication 2003/0028903).

Claim 24 is patentable under 35 U.S.C. § 103(a) over Fang in view of Hofrichter.

Independent claim 23 is patentable over Fang as described above. Dependent claim 24 adds further patentable features to the patentable features of independent claim 23.

Applicant, therefore, respectfully requests that the rejection to claim 24 under 35 U.S.C. § 103(a) be withdrawn.

Claims 25 - 27 are patentable under 35 U.S.C. § 103(a) over Fang (U.S. Patent 6,536,941) in view of Nrayanaswami (U.S. Patent 6,556,222).

Claims 25 - 27 are patentable under 35 U.S.C. § 103(a) over Fang in view of Nrayanaswami.

Independent claim 23 is patentable over Fang as described above. Dependent claims 25 - 27 add further patentable features to the patentable features of independent claim 23.

Applicant, therefore, respectfully requests that the rejection to claims 25 - 27 under 35 U.S.C. § 103(a) be withdrawn.

CONCLUSION

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant hereby petitions for a three (3) months extension of time for filing a reply to the Office Action and submits the required \$555.00 extension fee herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-2228, under Order No. 022344.0102PTUS, from which the undersigned is authorized to draw.

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Respectfully submitted,

By 

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